

AMENDED IN SENATE AUGUST 24, 2012

AMENDED IN SENATE MAY 31, 2012

AMENDED IN SENATE JUNE 21, 2011

AMENDED IN ASSEMBLY MAY 10, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1181

Introduced by Assembly Member Butler

February 18, 2011

An act to amend ~~Section 95.31 of the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately. Sections 12210.5, 12509, 12511.1, and 12512 of the Business and Professions Code, relating to weights and measures.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1181, as amended, Butler. ~~Property tax administration: loan program.~~ *Weights and measures.*

Existing law makes it a crime for a person, firm, corporation, or association to advertise, solicit, or represent by any means a product for sale or purchase if it is intended to entice a consumer into a transaction different from that originally represented. When the sale of any commodity is based upon a quantity representation either furnished by the purchaser or obtained through the use of equipment supplied by the purchaser, the purchaser is prohibited from buying the commodity according to any quantity which is less than the true quantity. A violation of these provisions is a misdemeanor.

This bill would revise the latter provision by prohibiting the purchaser from buying the commodity according to any quantity which is less than the true quantity or computing the purchase price of the commodity according to a unit price that is less than the highest applicable price per unit, that is advertised, posted, marked, displayed, or quoted for the commodity, or less than a price per unit that is established by law or regulation. Because the bill would change the definition of a crime, the bill would impose a state-mandated local program.

Existing law also prohibits a person from engaging in business as a service agency for the repair of weights and measures, unless that person registers with the Secretary of Food and Agriculture, as specified.

This bill would make technical and conforming changes to related provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing property tax law had authorized an eligible county, as defined, upon the recommendation of the assessor and by resolution of its board of supervisors, to elect to participate in the State-County Property Tax Administration Loan Program, pursuant to which a participating county received, in specified fiscal years, a loan from the state, as specified, for the purposes of providing supplemental funding for that county's local administration of the ad valorem property tax.~~

~~This bill would reauthorize the State-County Property Tax Administration Loan Program to allow counties to elect to participate in the program to receive a loan in each fiscal year from the 2012-13 fiscal year to the 2015-16 fiscal year, inclusive. This bill would also require the California Assessors' Association to report to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget regarding participating counties, as specified.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 12210.5 of the Business and Professions*
2 *Code is amended to read:*

3 12210.5. (a) Any county which inspects or tests any weighing
4 or measuring device or instrument used commercially, at the
5 request of the owner or user of ~~such~~ that device, when ~~such~~
6 inspection or testing of the device could legally be performed by
7 a registered ~~repairman~~, service agency, as defined in Section 12531,
8 may, if authorized by the county board of supervisors, collect from
9 the requesting owner or user thereof a fee.

10 ~~Such~~
11 (b) That fee shall be based upon a uniform schedule of fees,
12 which shall be prescribed by the ~~director~~ secretary for use by the
13 counties. The ~~director~~ secretary shall prepare the schedule of fees
14 to be comparable with the rates charged by the industry's registered
15 ~~repairmen~~ service agencies. All fees collected shall be credited
16 to the general fund of the county in which collected and used only
17 for the administration and enforcement of laws pertaining to
18 weights and measures.

19 *SEC. 2. Section 12509 of the Business and Professions Code*
20 *is amended to read:*

21 12509. (a) When any weight, measure, or weighing or
22 measuring instrument has been repaired and corrected, and has
23 been reinspected and found ~~correct~~ correct, the sealer shall remove
24 the tag or device with the words "out of order," and shall seal and
25 mark ~~such~~ that weight, measure, or weighing or measuring
26 instrument in the manner provided for the marking of the same
27 where, upon inspection, it is found correct.

28 ~~Upon~~
29 (b) Upon completion of corrective repairs or adjustments, and
30 with the authorization from the sealer, a ~~repairman~~ registered
31 service agency, as defined in Section 12531, may remove an "out
32 of order" tag or device, and the weight, measure, or weighing or
33 measuring instrument may be placed in service pending
34 reinspection by the sealer.

35 *SEC. 3. Section 12511.1 of the Business and Professions Code*
36 *is amended to read:*

37 12511.1. Notwithstanding any other provisions of this division,
38 any weight or measure, or weighing or measuring instrument,

found correct or corrected by a ~~repairman~~, registered service agency, as defined in Section 12531, authorized pursuant to Section 12509, may be used commercially pending reinspection by a sealer.

SEC. 4. Section 12512 of the Business and Professions Code is amended to read:

12512. When the sale of any commodity is based upon a quantity representation either furnished by the purchaser or obtained through the use of equipment supplied by ~~him~~ the purchaser, the purchaser shall in no case buy the commodity according to any quantity which is less than the true ~~quantity~~ quantity or compute the purchase price of the commodity according to a unit price that is less than the highest applicable price per unit, that is advertised, posted, marked, displayed, or quoted for the commodity, or where applicable, less than a price per unit that is established by law, in statute, or by regulation. Violation of this section is a misdemeanor.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SECTION 1. ~~Section 95.31 of the Revenue and Taxation Code is amended to read:~~

95.31. (a) Notwithstanding any other law, any county may, upon the recommendation of the county assessor, and by resolution of the board of supervisors of that county adopted not later than February 1 of the fiscal year for which it is to first apply, elect to participate in the State-County Property Tax Administration Loan Program.

(b) (1) In each fiscal year from the 2012-13 fiscal year to the 2015-16 fiscal year, inclusive, a county participating in the State-County Property Tax Administration Loan Program may receive a loan for up to the amount listed in paragraph (3). However, for the 2012-13 fiscal year, a county participating in the State-County Property Tax Administration Loan Program may receive a loan for up to one-half of the amount listed in paragraph

(3). The loan shall be repaid by June 30 of the fiscal year following the year in which the loan is made. However, at the discretion of the Director of Finance, the loan may be renewed once for an additional 12-month period at the request of the participating county board of supervisors.

(2) (A) If a county elects to participate in the State-County Property Tax Administration Loan Program, it shall enter into a contractual agreement with the Department of Finance. At a minimum, the contractual agreement shall include the following:

(i) The loan amount, as determined by the Director of Finance.

(ii) Repayment provisions.

(iii) A listing of the proposed use of the additional resources including, but not limited to:

(I) Proposed new positions.

(II) Increased automation costs.

(iv) Commencing in the 2012-13 fiscal year, an agreement to provide to the Department of Finance, by March 31 of the fiscal year in which the loan is made, a report projecting the impact of the increased funding in the current and subsequent fiscal year.

(v) An agreement to provide the Department of Finance an audit report detailing the county's basis for satisfying the terms of the loan agreement. The report shall be provided by October 1 of the fiscal year following the year in which the loan is made.

(vi) An agreement to use the funds for the purposes stated, and, should any portion of the funds be diverted to a different, unapproved use, to return an amount equal to the diverted funds to the state regardless of whether or not other terms of the agreement are satisfied.

(B) The terms of the contract and the loan amount shall be determined by standardized criteria.

(3) Upon request of the Department of Finance, the Controller shall provide a loan to the following counties for an amount specified by the Director of Finance. The following amounts are targeted loan amounts:

Jurisdiction	Amount
Alameda	\$ 2,199,786
Alpine	100,000
Amador	100,000
Butte	207,431

1	Calaveras	100,000
2	Colusa	100,000
3	Contra Costa	1,627,492
4	Del Norte	100,000
5	El Dorado	305,855
6	Fresno	654,693
7	Glenn	100,000
8	Humboldt	122,349
9	Imperial	118,682
10	Inyo	100,000
11	Kern	844,381
12	Kings	100,000
13	Lake	100,000
14	Lassen	100,000
15	Los Angeles	11,949,154
16	Madera	123,737
17	Marin	632,279
18	Mariposa	100,000
19	Mendocino	113,255
20	Merced	189,021
21	Modoc	100,000
22	Mono	100,000
23	Monterey	557,393
24	Napa	302,698
25	Nevada	187,802
26	Orange	4,674,190
27	Placer	637,598
28	Plumas	100,000
29	Riverside	2,382,914
30	Sacramento	1,411,399
31	San Benito	100,000
32	San Bernardino	1,904,245
33	San Diego	4,346,770
34	San Francisco	1,672,609
35	San Joaquin	625,915
36	San Luis Obispo	445,928
37	San Mateo	1,608,858
38	Santa Barbara	681,538
39	Santa Clara	3,391,387
40	Santa Cruz	372,719

1	Shasta	174,472
2	Sierra	100,000
3	Siskiyou	100,000
4	Solano	461,156
5	Sonoma	762,342
6	Stanislaus	411,622
7	Sutter	100,000
8	Tehama	100,000
9	Trinity	100,000
10	Tulare	305,188
11	Tuolumne	100,000
12	Ventura	1,164,648
13	Yolo	228,498
14	Yuba	100,000

15

16 ~~(4) The Department of Finance shall consider any or all of the~~
17 ~~following items in determining the extent to which a county has~~
18 ~~satisfied the terms and repaid the loan, pursuant to the contract, as~~
19 ~~offered under this part:~~

20 ~~(A) County performance as indicated by the State Board of~~
21 ~~Equalization's sample survey required pursuant to Section 15640~~
22 ~~of the Government Code.~~

23 ~~(B) Performance measures adopted by the California Assessors'~~
24 ~~Association.~~

25 ~~(C) Reduction of backlog of assessment appeals, Proposition 8~~
26 ~~declines in value, and restorations in value.~~

27 ~~(D) County compliance with mandatory audits required by~~
28 ~~Section 469 and nonmandatory audits.~~

29 ~~(E) Reduction of backlogs in new construction, changes in~~
30 ~~ownership, unsecured roll, and supplemental roll.~~

31 ~~(F) Other measures, as determined by the Director of Finance.~~

32 ~~(5) The Director of Finance shall notify the Controller of any~~
33 ~~participating county that fails to comply with the terms of the~~
34 ~~agreement, including the repayment of the loan. When the~~
35 ~~Controller receives notice from the Director of Finance, the~~
36 ~~Controller shall make an apportionment to the General Fund on~~
37 ~~behalf of the participating county in the amount of that required~~
38 ~~payment for the purpose of making that payment.~~

39 ~~(e) (1) Funds appropriated for purposes of this section shall be~~
40 ~~used to enhance the property tax administration system by~~

1 providing supplemental resources. Amounts provided to any county
2 as a loan pursuant to this section shall not be used to supplant the
3 current level of funding. In order to participate in the State-County
4 Property Tax Administration Loan Program, a participating county
5 shall maintain a base staffing, including contract staff, and total
6 funding level in the county assessor's office, independent of the
7 loan proceeds provided pursuant to this act, equal to the levels in
8 the 2011-12 fiscal year.

9 (2) Prior to the assessor's recommendation for participation in
10 the State-County Property Tax Administration Loan Program, the
11 assessor shall consult with the county tax collector, and any other
12 county agency directly involved in property tax administration, to
13 discuss the needs of the program for the duration of the contractual
14 agreement.

15 (d) A participating county may establish a tracking system
16 whereby a work or function number is assigned to each appraisal
17 or administrative activity. That system should provide statistical
18 data on the number of production units performed by each
19 employee and the positive and negative change in assessed value
20 attributable to the activities performed by each employee.

21 (e) Notwithstanding Section 95.3, no amount of funds provided
22 to an eligible county pursuant to this section shall result in any
23 deduction from those property tax administrative costs that are
24 eligible for reimbursement pursuant to Section 95.3.

25 (f) At the request of the Department of Finance, the board shall
26 assist the Department of Finance in evaluating contracts entered
27 into pursuant to this section.

28 (g) On or before December 1, 2014, the California Assessors'
29 Association shall provide to the Senate Committee on Budget and
30 Fiscal Review and the Assembly Committee on Budget a report
31 summarizing the reports provided by participating counties.

32 SEC. 2. This act is an urgency statute necessary for the
33 immediate preservation of the public peace, health, or safety within
34 the meaning of Article IV of the Constitution and shall go into
35 immediate effect. The facts constituting the necessity are:

36 In order to preserve funding for vital programs for education,
37 health, and public safety, it is necessary that this act take effect
38 immediately.